

# EXHIBIT 5

Early State machine gun laws

**Early State Machine Gun Laws**

<b>State</b>	<b>Year</b>	<b>Statutory Text</b>	<b>Source</b>	<b>Right to Bear Arms Provision When Enacted<sup>1</sup></b>
Arkansas	1931	<p>Section 1. It shall be unlawful for any person or persons in any manner to transport for one place to another in this State, or for any railroad company, or express company or other common carrier, or any officer, agent; or employee of any of them, or any other person acting in their behalf knowingly to ship or to transport for one place to another in this State in any manner or by any means whatsoever, except as hereinafter provided, any firearm of the type commonly known as a machine gun.</p> <p>Section 2. It shall be unlawful for any person to store, keep, possess, or have in possession, or permit another to store, keep, possess, or have in possession, except as hereinafter provided, any firearm of the type commonly known as a machine-gun.</p> <p>Section 3. It shall be unlawful for any person to sell, or give away, or be interested directly or indirectly, in the sale or giving away, of any firearm of the type commonly known as a machine-gun.</p> <p>Section 4. Provided, this Act shall not apply to the military authorities of the State or nation, and provided further, that any peace officer of the State, counties or political subdivision thereof, may possess machine-guns when required in the performance of their duties. After April 1, 1931, every person permitted by this Act to possess a machine-gun, shall file in the office of the Secretary of State, on a blank to be supplied by the Secretary of State, an application to be properly sworn to, which shall include his name and address, and the serial number of the machine-gun which he desires to possess. Thereupon, the Secretary of State shall file such application in his office, registering such officer in a book or index to be kept for that purpose, and assign to him a number, and issue to him a card, which he shall keep with him while he has such machine-gun in his possession. Such registration shall be made on the date application is received and filed with the Secretary of State, and shall expire on December 31, of the year in which said license is issued.</p>	1931 Ark. Acts 705-06.	“The citizens of this State shall have the right to keep and bear arms, for their common defense.” ARK. CONST. art. II, § 5 (1874).

<sup>1</sup> See Eugene Volokh, State Constitutional Rights to Keep and Bear Arms, 11 TEXAS REV. OF LAW & POLITICS 191, 193-204 (2006).

		<p>Section 5. Any person violating any part of this law shall upon conviction be fined in any sum not more than \$1,000.00, and not less than \$100.00, and the machine-gun or guns found in his possession shall be confiscated and the title thereof shall pass to the political subdivision of the State making the capture.</p> <p>Section 6. All laws and parts of laws in conflict herewith are hereby repealed, and whereas criminals are using machine-guns for illegal purposes, this Act being necessary for the immediate preservation of the public peace, health, and safety, an emergency is hereby declared, and it shall be in force and effect from and after its passage.</p>		
California	1927	<p>Section 1. On and after the date upon which this act takes effect every person, firm or corporation, who within the State of California possesses any firearm of the kind commonly known as a machine gun shall be guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed three years or by a fine not to exceed five thousand dollars or by both such fine and imprisonment.</p> <p>Provided, however, that nothing in this act shall prohibit police departments and members thereof, sheriffs, and city marshals or the military or naval forces of this state or of the United States from possessing such forearm for official use in the discharge of their duties.</p> <p>Sec. 2. The term machine gun as used in this act shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging automatically and continuously loaded ammunition of caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.</p>	1927 Cal. Stat. 938.	None
Delaware	1931	<p>Section 1. On and after the passage and approval of this Act it is and shall be unlawful for any person or persons other than the State Military Forces or duly authorized Police Departments to have a machine gun in his or their possession, within the State of Delaware. Any person or persons convicted under the provisions of this Act shall be deemed guilty of a felony and shall be punished by either fine or imprisonment, or both, in the discretion of the Court.</p> <p>All Act or parts of Acts inconsistent herewith are hereby repealed</p>	37 Del. Laws 813 (1931)	None

		in so far as the inconsistency may occur only.		
Illinois	1931	<p>Section 1. For purpose of this Act the term “machine gun” applies to and includes all firearms commonly known as machine rifles, machine guns and sub-machines guns of any caliber whatsoever, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to such gun from or by means of clips, disks, belts, or other separable mechanical device.</p> <p>The term “manufacturer” shall apply to and include all persons manufacturing machine guns; and</p> <p>The term “merchant” shall apply to and include all persons dealing with machine guns as merchandise.</p> <p>§ 2. It is unlawful for any person to sell, keep or offer for sale, loan or give away, purchase, possess, carry or transport any machine gun within this State, except that</p> <ol style="list-style-type: none"> <li>1. Sheriffs, constables, marshals, police officers and other duly appointed peace officers may purchase, possess, carry and transport machine guns.</li> <li>2. The provisions of this Act shall not apply to the Army, Navy, or Marine Corps of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns from the United States, or from this State, and the members of such Corps, National Guard and organizations while on duty, may possess, carry and transport machine guns.</li> <li>3. Persons, organizations or institutions possessing war relics may purchase and possess machine guns which are relics of any war in which the United States was involved, may exhibits and carry such machine guns in the parades of any military organization, and may sell, offer to sell, loan or give such machine guns to other persons, organizations or institutions possessing war relics.</li> <li>4. Guards or messengers employed by common carriers, banks and trust companies, and pay-roll guards or messengers may possess and carry machine guns while actually employed in and about the shipment, transportation or delivery, or in the guarding of any money, treasure, bullion, bonds or other thing of value, and their employers may purchase or receive machine guns and keep them in their possession when such guns are not being used by such guards or messengers.</li> <li>5. Manufacturers and merchants may sell, keep or offer for sale, loan or give away, purchase, possess and transport, machine guns, in the</li> </ol>	1931 Ill. Laws 452-54.	None

		<p>same manner as other merchandise except as hereinafter provided, and common carriers may possess and transport unloaded machine guns, as other merchandise.</p> <p>§3. No manufacturer or merchant shall permit any machine gun to pass from his possession to the possession of any person other than</p> <ol style="list-style-type: none"> <li>1. A manufacturer or a merchant.</li> <li>2. A common carrier for shipment to a manufacturer or merchant.</li> <li>3. A duly authorized agent of the government of the United States, or of this State, acting in his official capacity.</li> <li>4. A person authorized to purchase a machine gun under the provisions of exceptions 1 and 4 of section 2 of this Act.</li> </ol> <p>Manufacturers or merchants shall not deliver a machine gun to any of the persons authorized to purchase such gun under the provisions of exceptions 1 and 4 of section 2 hereof, unless such person presents a written permit to purchase and possess a machine gun, signed by the sheriff of the county wherein such manufacturer or merchant has his place of business or delivers such machine gun. The manufacturer or merchant shall retain such permit and keep it on file in his place of business. Each sheriff shall keep a record of all such permits issued by him.</p> <p>§4. Every manufacturer or merchant shall keep a register of all machine guns manufactured or handled by him. This register shall show the date of the sale, loan, gift, delivery or receipt of any machine gun, the name, address and occupation of the person to whom the machine gun was sold, loaned, given or from whom it was received, and the purpose for which the person to whom machine gun was sold, loaned, given or delivered, purchased or obtained said machine gun.</p> <p>Upon demand, every manufacturer or merchant shall permit any sheriff or deputy sheriff, or any police officer to inspect his entire stock of machine guns, parts and supplies therefor, and shall produce the register herein required and all written permits to purchase or possess a machine gun, which he has retained and filed in his place of business, for inspection by such officer.</p> <p>§5. Any manufacturer or merchant who</p> <ol style="list-style-type: none"> <li>1. Passes possession of a machine gun to any person not authorized to purchase and/or possess such gun under the provisions hereof; or</li> <li>2. Passes possession of a machine gun to a person authorized to</li> </ol>		
--	--	--	--	--

		<p>purchase a machine gun under the provision of exceptions 1 and 4 of section 2 of this Act, without first receiving the written permit of a sheriff, as herein required; or</p> <p>3. Fails to keep an accurate register, as provided in section 4; or</p> <p>4. Fails, or is unable to produce or account for a sheriff's permit for each machine gun sold by him for which a permit is necessary under the provisions of section 3 hereof, upon conviction, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.</p> <p>Any other person who sells, keeps or offers for sale, loans or gives away, purchases, possesses, carries or transports any machine gun within this State, except as authorized by this Act, upon conviction, shall be imprisoned in the penitentiary for not less than one nor more than ten years.</p> <p>Whoever, having been convicted of murder, robbery, burglary or assault with intent to commit a felony, thereafter violates any of the provisions of this Act, upon conviction, shall be imprisoned in the penitentiary for not less than three nor more than ten years.</p> <p>§6. Warrants to search any house or place and seize any machine gun possessed in violation of this Act, may issue in the same manner and under the same restrictions as is provided by law in the case of personal property stolen, and the court upon application of the State's attorney shall have jurisdiction to order any machine gun so illegally possessed and seized, delivered to any officer, department or agency of the State or political subdivision for the State authorized by this Act to possess machine guns or to order the same sold to any person authorized to possess the same the proceeds to be covered into the treasury of the county in which the violation occurred.</p> <p>§7. Any person committing or attempting to commit arson, assault, burglary, kidnapping, larceny, rioting, or robbery while armed with a machine gun shall be imprisoned in the penitentiary for his natural life, or for a term not less than five years.</p>		
--	--	---	--	--

Indiana	1927	<p>Section 1. Be it enacted by the general assembly of the State of Indiana, That whoever shall be the owner of, or have in his possession, or under his control, in an automobile, or in any other way, a machine gun or bomb loaded with explosives, poisonous or dangerous gases, shall be deemed guilty of a felony, and upon conviction thereof, shall be imprisoned for a term of not less than one year nor more than five years.</p> <p>Sec. 2. Whoever shall discharge, fire off, or operate any loaded machine gun, or whoever shall drop from an airplane, automobile, or from any building or structure, or who shall throw, hurl, or drop from ground or street, or keep in his possession and under his control any bomb filled with deadly or dangerous explosives, or dangerous or poisonous gases, shall be deemed guilty of a felony and upon conviction shall be imprisoned for a term of not less than two nor more than ten years.</p> <p>Sec. 3. That the provisions of this act shall not be construed to apply to members of the military or naval forces of the United States, or national guard of Indiana, when on duty or practicing, nor shall the provisions of this act be construed to apply to machine guns or bombs kept for display as relics and which are rendered harmless and not usable. Also shall not be construed to apply to police or sheriffs of this state in connection with their duties, nor to displays of fireworks.</p>	1927 Ind. Acts 469.	“The people shall have a right to bear arms, for the defense of themselves and the State.” IND. CONST. art. I, § 32 (1851).
Iowa	1927	<p>Section 1. Possession. No person, firm, partnership, or corporation shall knowingly have in his or its possession or under his or its control any machine gun which is capable of being fired from the shoulder or hip of a person, and by the recoil of such gun.</p> <p>Sec. 2. Aiding possession. No person, firm, partnership, or corporation shall do any act with the intent to enable any other person, firm, partnership, or corporation to obtain possession of such gun.</p> <p>Sec. 3. Punishment. A violation of either of the two preceding sections shall be punished as follows:</p> <ol style="list-style-type: none"> <li>1. If the accused has prior to conviction been convicted of an offense which would constitute a felony under the laws of this state, by imprisonment in the penitentiary or men’s or women’s reformatory for five (5) years.</li> <li>2. If such prior conviction for felony be not charged or</li> </ol>	1927 Iowa Acts 201-02.	None

	<p>established, by imprisonment in the penitentiary or men's or women's reformatory for a period not exceeding three (3) years.</p> <p>3. By a fine in all cases of not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000).</p> <p>Sec. 4. Exceptions. The three preceding sections shall not apply to:</p> <ol style="list-style-type: none"> <li>1. Peace officers as herein provided.</li> <li>2. Persons who are members of the National Guards.</li> <li>3. Persons in the service of the government of the United States.</li> <li>4. Banks.</li> </ol> <p>Sec. 5. Interpretative clause. The preceding section shall not be construed to exempt any person therein specified when the possession charged had no connection with the official duties or service of said person.</p> <p>Sec. 6. Relics. It shall be a defense that the machine gun or machine which the accused is charged with possessing was a gun which was in general use prior to the November 11 (eleven), 1918 (nineteen hundred eighteen), and was, prior to the commencement of the prosecution, rendered permanently unfit for use, and was possessed solely as a relic.</p> <p>Sec. 7. Finding or summary seizure. Possession of such machine gun by finding or by summary seizure shall not be deemed an offense provided the finder or person seizing immediately delivers the same to some peace officer of the county in which the gun is found.</p> <p>Sec. 8. Duty of peace officer—order. A peace officer to whom such gun is delivered shall forthwith redeliver it to the sheriff. The sheriff shall forthwith report such possession to the district court or to a judge thereof who, in vacation or term time, may enter a summary order for the destruction of such gun or such order as may be necessary in order to preserve it as evidence.</p> <p>Sec. 9. Indictment. When the state relies on prior judgments of convictions of the accused in aggravation of the punishment, such judgments shall be referred to in the indictment or information by stating the court, date, and place of rendition.</p> <p>Sec. 10. Evidence. A duly authenticated copy of a judgment of prior</p>		
--	---	--	--



		<p>conviction of felony shall be prima facie evidence of such conviction and of the finality and conclusiveness thereof.</p> <p>Sec. 11. However, this law shall not apply to any person or persons, firm, or corporation engaged or interested in the improvement, the invention, or manufacture of fire arms.</p> <p>Sec. 12. Publication clause. This act is deemed of immediate importance and shall take effect from and after its publication in two (2) newspapers of this state as provided by law.</p>		
Kansas	1933	<p>Section 1. That it shall be unlawful for any person, firm, or corporation other than a sheriff or other peace officer or any military unit of the state or of the United State or any common carrier for hire, to transport or have in his or its possession or under his control a firearm known as a machine rifle, machine gun, or submachine gun: Provided, That banks, trust companies or other institutions or corporations subject to unusual hazard from robbery or holdup, may secure permits from the sheriff of the county in which they are located for one or more of their employees to have such firearms: Provided further, That museums, American Legion posts, and other similar patriotic organizations may possess such firearms, when not usable as a weapon and when possessed as a curiosity, ornament or keepsake.</p> <p>Sec. 2. That any person violating the provisions of the preceding section shall be guilty of a felony, and upon conviction shall be subject to imprisonment in the state penitentiary for not less than one year nor more than five years.</p> <p>Sec. 3. Upon complaint being made on oath to any officer authorized to issue process for the apprehension of offenders that a firearm or firearms, known as machine rifles, machine guns or submachine guns as described in this act, are concealed in any particular house or place, and if such magistrate shall be satisfied that there are reasonable grounds for believing same to be true, he shall issue a warrant to search the house or place for such firearms: Provided, That any motor vehicle may be searched by the sheriff or other peace officer without a search warrant when such officer has reasonable grounds for believing that such vehicle contains any such firearms.</p>	1933 Kan. Sess. Laws 76-78 [Special Session]	<p>“The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.” KAN. CONST. bill of rights, § 4 (1859).</p>

		<p>Sec. 4. Such warrant shall be directed to the sheriff of the county or any constable of the township, and shall command him to search the house or place where said firearms are being concealed, which place shall be designated specifically, but the firearms need not be accurately described in such warrant, and such warrant, and such warrant shall command the sheriff or other peace officer to bring such firearm before the magistrate issuing such warrant.</p> <p>Sec. 5. Whenever any firearm or firearms known as machine rifles, machine guns, or submachine guns, shall be seized by any sheriff or other peace officer, such officer shall safely keep the same under his control, in the county wherein the same was seized, during the pendency of any action, either civil or criminal, growing out of such seizure and until the same is disposed of as hereinafter provided. No such officer shall retain possession of such firearms after the termination of his employment or term of office, but shall upon termination of his employment or term of office, surrender the same to the sheriff to be by him held under the same conditions as above provided.</p> <p>Sec. 6. Whenever any such firearms shall be seized, either with or without a search warrant, any person claiming to own such firearms may recover possession of the same by establishing ownership of the same and establishing that such person is entitled to possession of such firearms as provided in section 1 of this act. Proceedings to recover possession of such firearm shall be by verified application in the court issuing the search warrant by which such firearms were seized, or in any court of competent jurisdiction in said county if seized without a search warrant, and written notice of the hearing upon said application shall be served on the officer holding said firearms at least five (5) days before such hearing. If no application is made within six (6) months after the seizure of the firearms, the court issuing the search warrant under which said firearms were seized, or in case of seizure without a search warrant, the judge of the district court of the county in which such seizure was made, shall without notice, declare such firearms to be contraband and order the same confiscated and destroyed: Provided, That such judge of the district court may by proper order, entered upon the journal of said court, permit the sheriff or other peace officer in such county to retain any such firearms for use in connection with the duties of such officer, until further order of the court. The county attorney of</p>		
--	--	--	--	--

		<p>the county in which such firearms were seized shall, without additional compensation, represent the officer holding said firearms in any action for possessing of the same.</p> <p>Sec. 7. Every officer, person, firm, corporation, bank, trust company and other institution possessing any firearms known as a machine rifle, machine gun or submachine gun, except common carriers transporting such firearms for hire, shall immediately upon the taking effect of this act, or within three days after coming into possession of such firearms, file a statement with the county clerk of the county where such firearms are possessed, setting forth the name of the possessor of such firearms, the character, caliber, name of manufacturer, and serial number of such firearm, and such county clerk shall keep an accurate register containing all of such information available to all peace officers. All other firearms, including gas projectors, seized by any officer, or purchased with public funds, shall also be registered with the county clerk as hereinbefore provided, and shall be the property of the municipality purchasing the same or whose officer seized such firearm. Failure to comply with the provisions of this section shall be deemed a misdemeanor, and punishment therefor shall be by a fine or not less than ten dollars nor more than one hundred dollars.</p> <p>Sec. 8. At least once each year, the county commissioners of each county shall determine the whereabouts of each firearm registered with the county clerk of such county, and shall enter their findings upon said register.</p> <p>Sec. 9. Should any court declare any section or clause of this act unconstitutional, then such declaration shall affect only the section or clause so declared to be unconstitutional and shall not affect any other section or clause of this act.</p> <p>Sec. 10. That this act shall take effect and be in force from and after its publication in the statute book.</p>		
Louisiana	1932	Section 1. Be it enacted by the Legislature of Louisiana, "That for the purpose of this Act the term "machine gun" applies to and include all firearms commonly known as machine rifles, machine guns and sub-machine guns of any caliber whatsoever, capable of automatically discharging more than eight cartridges successively without reloading,	1932 La. Acts 337-39.	"A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be abridged. This shall not prevent the passage of

	<p>in which the ammunition is fed to such gun from or by means of clips, disks, belts, or other separable mechanical device.</p> <p>The term “manufacturer” shall apply to and include all persons manufacturing machine guns;</p> <p>The term “merchant” shall apply to and include all persons dealing with machine guns as merchandise.</p> <p>Section 2. It is unlawful for any person to sell, keep or offer for sale, loan or given away, purchase, possess, carry or transport any machine gun within this State, except that:</p> <ol style="list-style-type: none"> <li>1. Sheriffs, constables, marshals, police officers and other duly appointed peace officers may purchase, possess, carry and transport machine guns.</li> <li>2. The provisions of this act shall not apply to the Army, Navy, or Marine Corps of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns from the United States, or from this State, and the members of such Corps, National Guard and organizations while on duty, may possess, carry and transport machine guns.</li> <li>3. Persons, organizations or institutions possessing war relics may purchase and possess machine guns, which are relics of any war in which the United States was involved, may exhibit and carry such machine guns in the parades of any military organization, and may sell, offer to sell, loan or give such machine guns to other persons, organizations or institutions possessing war relics.</li> <li>4. Guards or messengers employed by common carriers, banks and trust companies, and pay-roll guards or messengers may possess and carry machine guns while actually employed in and about the shipment, transportation or delivery, or in the guarding of any money, treasure, bullion, bonds or other thing of value and their employers may purchase or receive machine guns and keep them in their possession when such guns are not being used by such guards or messengers.</li> <li>5. Manufacturers and merchants may sell, keep or offer for sale, loan or give away, purchase, possess and transport, machine guns, in the same manner as other merchandise except as hereinafter provided, and common carriers may possess and transport unloaded machine guns, as other merchandise.</li> </ol> <p>Section 3. No manufacturer or merchant shall permit any machine gun to pass from his possession to the possession of any person other than:</p>	<p>laws to punish those who carry weapons concealed.” LA. CONST. art. 3 (1879).</p>
--	--	---

		<ol style="list-style-type: none"> <li>1. A manufacturer or a merchant.</li> <li>2. A common carrier for shipment to a manufacturer or merchant.</li> <li>3. A duly authorized agent of the government of the United States, or of this State, acting in his official capacity.</li> <li>4. A person authorized to purchase a machine gun under the provisions of exceptions 1 and 4 of Section 2 of this Act.</li> </ol> <p>Manufacturers or merchants shall not deliver a machine gun to any of the persons authorized to purchase such gun under the provisions of exceptions 1 and 4 of Section 2 hereof, unless such person presents a written permit to purchase and possess a machine gun, signed by the sheriff of the parish wherein such manufacturer or merchant has his place of business or delivers such machine gun. The manufacturer or merchant shall retain such permit and keep it on file in his place of business. Each sheriff shall keep a record of all such permits issued by him.</p> <p>Section 4. Every manufacturer or merchant shall keep a register of all machine guns manufactured or handled by him. This register shall show the date of the sale, loan, gift, delivery or receipt of any machine gun, the name, address and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or for whom it was received, and the purpose for which the person to whom the machine gun was sold, loaned, given or delivered, purchased or obtained said machine gun.</p> <p>Upon demand, every manufacturer or merchant shall permit any sheriff or deputy sheriff, or any police officer to inspect his entire stock of machine guns, parts and supplies therefor, and shall produce the register herein required and all written permits to purchase or possess a machine gun, which he has retained and filed in his place of business, for inspection by such officers.</p> <p>Section 5. Any manufacturer who:</p> <ol style="list-style-type: none"> <li>1. Passes possession of a machine gun to any person not authorized to purchase or possess such gun under the provisions hereof; or</li> <li>2. Passes possession of a machine gun to a person authorized to purchase a machine gun under the provision of exceptions 1 and 4 of Section 2 of this Act, without first receiving the written permit of a sheriff, as herein required; or</li> <li>3. Fails to keep an accurate register, as provided in Section 4; or</li> </ol>		
--	--	---	--	--

		<p>4. Fails, or is unable to produce or account for a sheriff's permit for each machine gun sold by him for which a permit is necessary under the provisions of Section 3 hereof, shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the State penitentiary at hard labor for not less than one nor more than five years.</p> <p>Any person who sells, keeps or offers for sale, loans or gives away, purchases, possesses, carries or transports any machine gun within this State, except as authorized by this Act, shall be guilty of a felony, and upon conviction shall be imprisoned in the State Penitentiary, at hard labor, for not less than one nor more than ten years.</p> <p>Section 6. Whoever, having been convicted of murder, robbery, burglary or assault with intent to commit a felony, thereafter violates any of the provisions of this Act, shall be guilty of a felony, and upon conviction shall be imprisoned in the State Penitentiary, at hard labor, for not less than three nor more than ten years.</p>		
Maryland	1882	<p>Sec. 2 Be it enacted, That it shall be unlawful for any person, be he licensed dealer or not, to sell, barter or give away any firearm whatsoever or other deadly weapons, except shot guns, fowling pieces and rifles, to any person who is a minor under the age of twenty-one years. Any person or persons violating any of the provisions of this act shall, on conviction thereof, pay a fine of not less than fifty nor more than two hundred dollars, together with costs of prosecution, and upon failure to pay said fine and cost, be committed to jail and confined therein until such fine and costs are paid, or for the period of sixty days, whichever shall first occur.</p>	An Act to prohibit the sale of "Deadly Weapons to Minors," ch. 424, § 2, 1882 MD. LAWS 656, 656.	None
Massachusetts	1884	<p>Section 1. No person shall sell or furnish to a minor under the age of fifteen years, any firearms or other dangerous weapon: <i>provided</i>, that instructors and teachers may furnish military weapons to pupils for instruction and drill.</p> <p>Section 2. Whoever violates the provisions of this act shall for each offence be punished by fine not less than ten nor more than fifty dollars.</p>	An Act to prohibit the sale of firearms and other dangerous weapons to minors, ch. 76, §§ 1-2, 1884 MASS. ACTS AND RESOLVES 57, 57.	"The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it." MASS. CONST. pt. 1, art. 17 (1780).

Michigan	1927	Sec. 3. It shall be unlawful within this state to manufacture, sell, offer for sale, or possess any machine gun or firearm which can be fired more than sixteen times without reloading, or any muffler, silencer or device for deadening or muffling the sound of a discharger firearm, or any bomb or bombshell, or any blackjack, slung shot, billy, metallic knuckles, sandclub, sandbag or bludgeon. Any person convicted of a violation of this section shall be guilty of a felony and shall be punished by a fine not exceeding one thousand dollars or imprisonment in the state prison not more than five years, or by both such fine and imprisonment in the discretion of the court. The provisions of this section shall not apply, however, to any person, firm or corporation manufacturing firearms, explosives or munitions of war by virtue of any contracts with any department of the government of the United States, or with any foreign government, state, municipality or any subdivision thereof.	1927 Mich. Pub. Acts 888-89	"Every person has a right to bear arms for the defence of himself and the state." MICH. CONST. art. XVIII, § 7 (1850).
Minnesota	1933	Section 1. Definitions.—(a) Any firearm capable of loading or firing automatically, the magazine of which is capable of holding more than twelve cartridges, shall be a machine gun within the provision of this Act.  (b) Any firearm capable of automatically reloading after each shot is fired, whether firing singly by separate trigger pressure or firing continuously by continuous trigger pressure; which said firearm shall have been changed, altered or modified to increase the magazine capacity from the original design as manufactured by the manufacturers thereof, or by the addition thereto of extra and/or longer grips or stocks to accommodate such extra capacity, or by the addition, modification and/or attachment thereto of any other device capable of increasing the magazine capacity thereof, shall be a machine gun within the provisions to this Act.  (c) A twenty-two caliber light sporting rifle, capable of firing continuously by continuous trigger pressure, shall be a machine gun within the provisions of this Act. But a twenty-two caliber light sporting rifle, capable of automatically reloading but firing separately by separate trigger pressure for each shot, shall not be a machine gun within the provisions of this Act and shall not be prohibited hereunder, whether having a magazine capacity of twelve cartridges or more. But if the same shall have been changed, altered, or modified, as prohibited in section one (b) hereof, then the same shall be a machine gun within the provisions of this Act.	1933 Minn. Laws 232-33.	None

		<p>Sec. 2. Application.—This Act shall not apply to sheriffs, coroners, constables, policemen or other peace officers, or to any warden, superintendent or head keeper of any prison, penitentiary, county jail or other institution for retention of any person convicted of or accused of crime, while engaged in the discharge of official duties, or to any public official engaged in the enforcement of law; nor to any person or association possessing a machine gun not useable as a weapon and possessed as a curiosity, ornament or keepsake; when such officers and persons and associations so excepted shall make and file with the Bureau of Criminal Apprehension of this state within 30 days after the passage of this Act, a written report showing the name and address of such person or association and the official title and position of such officers and showing a particular description of such machine gun now owned or possessed by them or shall make such report as to hereinafter acquired machine guns within 10 days of the acquisition thereof; nor to any person legally summoned to assist in making arrests or preserving peace, while said person so summoned is engaged in assisting such officer; nor shall this Act apply to the armed forces of the United States or of the State of Minnesota.</p> <p>Sec. 3. Machine guns prohibited.—Any person who shall own, control, use, possess, sell or transport a machine gun, as herein defined, in violation of this Act, shall be guilty of a felony.</p>		
Missouri	1929	<p>Section 1. Unlawful to sell, deliver, transport or have in possession any machine gun.—It shall be unlawful for any person to sell, deliver, transport, or have in actual possession or control any machine gun, or assist in, or cause the same to be done. Any person who violates this act shall be guilty of a felony and punished by imprisonment in the state penitentiary not less than two (2) nor more than thirty (30) years, or by a fine not exceed five thousand dollars, or by both such fine and imprisonment. Provided, that nothing in this act shall prohibit the sale, delivery, or transportation to police departments or members thereof, sheriffs, city marshals or the military or naval forces of this state or of the United States, or the possession and transportation of such machine guns, for official use by the above named officers and military and naval forces in the discharge of their duties.</p>	1929 Mo. Laws 170.	<p>“That the right of no citizen to keep and bear arms in defence of his home, person and property, or in aid of the civil power, when thereto legally summoned, shall be called into question; but nothing herein contained is intended to justify the practice of wearing concealed weapons.” MO. CONST. art. II, § 17 (1875).</p>



		Sec. 2. The term “machine gun” defined.—The term “machine gun” as used in this act shall be construed to apply to and include all firearms known as machine rifles, machine guns or sub-machine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.		
Nebraska	1929	<p>Section 1. Machine Guns—Sale Unlawful—Penalty—It shall be unlawful for any person, firm or corporation, it or their agents or servants, to sell or cause to be sold or otherwise to dispose of any machine gun to any person in the State of Nebraska, except officers of the law, agents of the United States government, or agents of the law enforcement department of the State of Nebraska. If any person, firm or corporation, or its or their agents or servants violate any of the provisions of this section, they shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than one thousand dollars nor more than ten thousand dollars.</p> <p>Section 2. U.S. Army and National Guard Exempt—It shall be unlawful for any person or persons, except officers of the law, soldiers of the United States Army, or officers and enlisted men of the National Guard of this state, to transport any machine gun on any highway within this state, or to have in possession for any unlawful purpose any machine gun. Any person violating any of the provisions of the section, shall be deemed guilty of a felony and upon conviction thereof, shall be imprisoned in the state penitentiary for not less than one year nor more than ten years.</p>	1929 Neb. Laws 674	None (adopted provision in 1988)
New Jersey	1927	<p>1. The term “machine gun or automatic rifle,” as used in this act, shall be construed to mean any weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition, which can be loaded into the said weapon, mechanism or instrument and fired therefrom at a rate of five or more shots to the second.</p> <p>2. Any person who shall sell, give, loan, furnish or deliver any machine gun or automatic rifle to another person, or any person who shall purchase, have or possess any machine gun or automatic rifle, shall be guilty of a high misdemeanor; provided, the provisions of this section shall not apply to any person who has procured and possesses a</p>	1927 N.J. Laws 180-82.	None

		<p>license to purchase, have and possess a machine gun or automatic rifle as hereinafter provided for; nor to the authorized agents and servants of such licensee; or to the officers and members of any duly authorized military organization; nor to the officers and members of the police force of any municipality, nor to the officers and members of the State Police force; nor to any sheriff or undersheriff; nor to any prosecutor of the pleas, his assistants, detectives and employees.</p> <p>3. Any person who desires to purchase, have and possess a machine gun or automatic rifle may apply to a judge of the Court of Common Pleas of the county in which the applicant is a resident for a license of purchase, have and possess a machine gun or automatic rifle. Such application shall be in writing and shall state in detail the reasons why such person desires such license. Upon such application being presented to the judge, he shall refer the same to the sheriff of his county or to the chief police officer of the municipality in which said applicant resides, for his investigation and approval, and if said application is approved by the sheriff or by said chief police officer, said judge may, in his discretion, issue a license under his hand and the seal of his court to the applicant to purchase, have and possess a machine gun or automatic rifle, for his own protection and for the protection of his servants and employees.</p> <p>4. Upon the issuance of such license, the judge shall send or deliver the same to the county clerk of his county, who shall, in a book provided for that purpose enter a record of said license, stating the date of its issuance and the name and address of the person to whom the same is issued. Upon such record being made, the county clerk shall deliver said license to the person to whom the same is issued.</p> <p>5. Upon the application of any bank or banking institution, trust company or building and loan association within this State, the judge of the Court of Common Pleas of the county in which the applicant is located shall issue to such bank or banking institution, trust company or building and loan association, a license to purchase and possess one or more machine guns or automatic rifles for its own use and protection, and for the use and protection of its officers, servants and employees, which license shall be recorded by the county clerk as hereinbefore provided.</p>		
--	--	---	--	--

		<p>6. Upon the application of any railway company, canal company or steamboat company within this State, the judge of the Court of Common Pleas of any county within which said railway company, canal company or steamboat company operates, shall issue to such railway company, canal company or steamboat company a license to purchase and possess one or more machine guns or automatic rifles for its own use and protection and for the use and protection of its officers, servants and employees, which license shall be recorded by the county clerk as hereinbefore provided.</p> <p>7. This act shall take effect immediately.</p>		
New York	1931	<p>§ 3. Section eighteen hundred and ninety-seven of the penal law is hereby amended by adding a new subdivision, to be subdivision one-a, to read as follows:</p> <p>1 a. A machine-gun is a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger. A person who possesses or uses such machine-gun is guilty of a felony. The presence of such machine-gun in any room, dwelling, structure or vehicle shall be presumptive evidence of its illegal possession by all the persons occupying the place where such machine-gun is found. This subdivision shall not apply to possession of a machine-gun as authorized by the preceding section. Nor shall it apply to the possession or use of machine-guns in the discharge of their official duties by the state police, the warden, superintendent, headkeeper or deputy of any state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, sheriffs, policemen, or other peace officers, nor to the possession or use of machine-guns by a person when on duty in the military or naval service of the United States or of this state, or in the postal service of the United States, nor to the possession by common carriers while being transported direct to any police department, military or naval organization, or person authorized by this section to possess and use the same.</p>	1931 N.Y. Laws 2389-90.	None
North Dakota	1931	<p>§ 1. The term "machine gun, sub-machine gun or automatic rifle" as used in this act shall be construed to mean a weapon, mechanism or</p>	1931 N.D. Laws 305-06.	None (adopted provision in 1984)

		<p>instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the said weapon, mechanism or instrument and fired therefrom at a rate of five or more shots to the second.</p> <p>§ 2. Any person who shall sell, give, loan, furnish or deliver any machine gun, sub-machine gun, automatic rifle of a caliber larger than twenty-two, or bomb loaded with explosives or poisonous or dangerous gases to another person, or any person who shall purchase, have or possess any machine gun, sub-machine gun, automatic rifle, of a caliber larger than twenty-two, or bomb loaded with explosives or poisonous or dangerous gases, shall be guilty of a felony and shall be punished by imprisonment in the state penitentiary not to exceed ten years, or by a fine of not more than three thousand dollars, or both. Provided, that the provision of this act shall not apply to any person who has procured and possesses a license to purchase, sell, have or possess a machine gun, sub-machine gun, automatic rifle, of a caliber larger than twenty-two, or bomb loaded with explosives or poisonous or dangerous gases, as hereinafter provided for, nor to the authorized agents and servants of such licensee or to the officers and members of any duly authorized military organization, nor to the officers and member of the police force of any municipality, nor to any Sheriff, deputy sheriff, nor any other officer having police powers under the laws of the State.</p> <p>§ 3. Any person who desires to purchase, sell, have or possess a machine gun, sub-machine gun, automatic rifle, of a caliber larger than twenty-two, or bomb loaded with explosives or poisonous or dangerous gases, may apply to a Judge of the District Court of the county in which the applicant is a resident for a license to purchase, sell, have or possess a machine gun, sub-machine gun, automatic rifle, of a caliber larger than twenty-two, or bomb loaded with explosives or poisonous or dangerous gases. Such application shall be in writing and shall state in detail the reasons why such person desires such license. Upon such application being presented to the judge, he shall refer the same to the Sheriff of the county of the applicant's residence or the chief police officer of the municipality in which said applicant resides for his investigation and approval, and if said application is approved by the Sheriff or by said police officer, said judge may in his discretion issue a license under his hand and the seal of his court to the applicant to</p>		
--	--	--	--	--

		<p>purchase, have and possess a machine gun, sub-machine gun, automatic rifle, of a caliber larger than twenty-two, or bomb loaded with explosives or poisonous or dangerous gases for his own protection and for the protection of his servants and employees. Both the application and the license shall contain a description of the gun or rifle licensed which shall include the name of the manufacturer, the number and caliber, or, if the license is for a bomb, an accurate description thereof together with any identifying marks thereon.</p> <p>§ 4. The license shall be issued in duplicate and the duplicate copy thereof shall be forthwith by the judge sent to the State Superintendent of Criminal Identification at Bismarck, North Dakota, who shall file and preserve the same as a permanent record in his office.</p>		
Pennsylvania	1929	<p>Section 1. Be it enacted, &amp;c., That the term “machine gun,” as used in this act, shall mean any firearm that fires two or more shots consecutively at a single function of the trigger or firing device.</p> <p>Section 2. It shall be unlawful for any person, copartnership, association or corporation to sell, or give, or transfer, any machine gun to any person, copartnership, association or corporation, within this Commonwealth; and it shall be unlawful for any person, copartnership, association, or corporation to purchase, own, or have in possession any machine gun.</p> <p>Any person violating any of the provisions of this section shall be guilty of a felony, and, on conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, and undergo imprisonment by separate or solitary confinement at labor not exceeding five years.</p> <p>Section 3. Any person who shall commit, or attempt to commit, any crime within this Commonwealth, when armed with a machine gun, shall upon conviction of such crime or attempt to commit such crime, in addition to the punishment for the crime for which he has been convicted, be sentenced to separate and solitary confinement at labor for a term not exceeding ten years. Such additional penalty of imprisonment shall commence upon the expiration or termination of the sentence imposed for the crime of which he stands convicted, and shall not run concurrently with such sentence.</p> <p>Section 4. Nothing contained in this act shall prohibit the manufacture</p>	1929 Pa. Laws 777-78.	<p>“The right of the citizens to bear arms in defence of themselves and the State shall not be questioned.” PA. CONST. art. 1, § 21 (1873).</p>

		for, and sale of, machine guns to the military forces of the United States, or of the Commonwealth of Pennsylvania, or to any police department of the Commonwealth, or of any political subdivision thereof, nor to the purchase or possession of machine guns by such governments and departments; and nothing contained in this act shall prohibit any organization, branch, camp or post of veterans, or any veteran of any war in which the United States was engaged, from owning and possessing a machine gun as a relic, if a permit for such ownership or possession has been obtained from the sheriff of the county, which permit is at all times attached to such machine gun. The sheriffs of the several counties are hereby authorized, upon application and the payment of a fee of one dollar, to issue permits for the ownership and possession of machine guns by veteran [sic] and organizations, branches, camps or post of veterans, upon production to the sheriff of such evidence as he may require that the organization, branch, camp or post is a bona fide organization of veterans, or that any such veteran applicant is a veteran of good moral character and reputation, and that the ownership and possession of such machine gun is actually desired as a relic.		
Rhode Island	1927	<p>Section 1. When used in this act the following words and phrases shall be construed as follows:</p> <p>“Pistol” shall include any pistol or revolver, and any shot gun, rifle or similar weapon with overall length less than twenty-six inches, but shall not include any pistol without a magazine or any pistol or revolver designed for the use of blank cartridges only.</p> <p>“Machine gun” shall include any weapon which shoots automatically and any weapon which shoots more than twelve shots semi-automatically without reloading.</p> <p>“Firearm,” shall include any machine gun or pistol.</p> <p>“Person” shall include firm, association or corporation.</p> <p>“Licensing authorities” shall mean the board of police commissioners of a city or town where such board has been instituted, the chief of police or superintendent of police of other cities and towns having a regular organized police force, and in towns where there is no chief of police or superintendent of police it shall mean the town clerk who may issue licenses upon the recommendation of the town sergeant;</p> <p>“Crime of violence” shall mean and include any of the following crimes or an attempt to commit any of the same, viz.: murder, manslaughter, rape, mayhem, assault or battery involving grave bodily</p>	1927 R.I. Acts & Resolves 256-59.	“The right of the people to keep and bear arms shall not be infringed.” R.I. CONST. art. I, § 22 (1842).

		<p>injury, robbery, burglary, and breaking and entering.</p> <p>“Sell” shall include let or hire, give, lend and transfer, and the word “purchase” shall include hire, accept and borrow, and the expression “purchasing” shall be construed accordingly.</p> <p>Sec. 2. If any person shall commit or attempt to commit a crime of violence when armed with or having available any firearm, he may in addition to the punishment provided for such crime of violence be punished as provided in this act. In the trial of a person for committing or attempting to commit a crime of violence the fact that he was armed with or had available a pistol without license to carry the same, or was armed with or had available a machine gun, shall be prima facie evidence of his intention to commit said crime of violence,</p> <p>Sec. 3. No person who has been convicted in this state or elsewhere of a crime of violence shall purchase, own, carry or have in his possession or under his control any firearm.</p> <p>Sec. 4. No person shall, without a license therefor, issued as provided in section six hereof, carry a pistol in any vehicle or concealed on or about his person, except in his dwelling house or place of business or on land possessed by him, and no person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this act.</p> <p>Sec. 5. The provisions of section four shall not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force or other duly appointed law enforcement officers, nor to members of the army, navy or marine corps of the United States, or of the national guard, when on duty, or of organizations by law authorized to purchase or receive firearms from the United States or this state, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to duly authorized military organizations when on duty, nor to the members thereof when at or going to or from their customary places of assembly, nor to the regular and ordinary transportation of pistols as merchandise, nor to any person while carrying a pistol unloaded in a wrapper from the place of purchase to his home or place of business, or to a place of repair or back to his home or place of business, or in moving goods from one place or abode or business to another.</p>		
--	--	--	--	--

		<p>Sec. 7. The attorney-general may issue a permit to any banking institution doing business in this state or to any public carrier who is engaged in the business of transporting mail, money, securities or other valuables, to possess and use machine guns under such regulations as the attorney-general may prescribe.</p> <p>Sec. 13. This act shall not apply to antique firearms unsuitable for use nor to collections of firearms as curios, souvenirs, or for educational, scientific or any similar purposes without intent to use such firearms.</p> <p>Sec. 14. Any violation of any provision of this act shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than five years, or by both such fine and imprisonment.</p> <p>Sec. 15. No negative allegation of any kind need be averred or proved in any complaint under this act and the carrying or use of any firearm contrary to the provisions of this act shall be evidence that the possession, carrying or use of any such firearm is unlawful, but the respondent in any such case may show any fact that would render the possession, or use, or carrying of such firearm lawful.</p> <p>Sec. 16. Every officer authorized to make an arrest may without complaint and warrant arrest any person who has in his possession any firearm whenever such officer has reasonable ground to suspect that such person possesses or is using or is carrying such firearm contrary to law. Any person so arrested may be detained a reasonable time, not exceeding twenty-four hours, for the purpose of making an investigation concerning such person, but no person so arrested shall be detained longer than twenty-four hours without complaint being made against him before some proper court or justice. If the officer making the arrest shall at any time within the said twenty-four hours satisfy himself that there is no ground for making a criminal complaint against such person, he shall thereupon be discharged from custody.</p>		
South Carolina	1934	Section 1. "Machine Gun" Defined.—Be it enacted by the General Assembly of the State of South Carolina: For the purpose of this Act the word "machine gun" applies to and includes all firearms commonly known as machine rifles, machine guns and sub-machine guns of any	1934 S.C. Acts 1288-89.	"A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.



	<p>calibre whatsoever, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to such gun from or by means of clips, disks, belts, or other separable mechanical device.</p> <p>§ 2. Transportation of Machine Gun.—It shall be unlawful for any person or persons in any manner to transport from one place to another in this State, or from any railroad company, or express company, or other common carrier, or any officer, agent, or employee of any of them, or any other person acting in their behalf knowingly to ship or to transport from one place to another in this State in any manner or by any means whatsoever, except as hereinafter provided, any firearm as described hereinabove or commonly known as a machine gun.</p> <p>§ 3. Storing, Keeping, and/or Possessing Machine Gun.—It shall be unlawful for any person to store, keep possess, or have in possession, or permit another to store, keep possess, or have in possession except as hereinafter provided, any firearm of the type defined above or commonly known as a machine gun.</p> <p>§ 4. Selling, Renting or Giving away Machine Gun.—It shall be unlawful for any person to sell, rent, or give away, or be interested directly or indirectly, in the sale, renting or giving away, or otherwise disposing of any firearm of the type above described or commonly known as a machine gun.</p> <p>§ 5. Exceptions—Register Machine Guns.—The provision of this Act shall not apply to the army, navy, or marine corps of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns from the United States, or from this State, and the members of such corps, National Guard and organizations while on duty or at drill, may possess, carry and transport machine guns, and, Provided, further, That any peace officer of the State, counties or political sub-division thereof, State Constable, member of the Highway patrol, railway policemen, warden, superintendents, headkeeper or deputy of any State prison, penitentiary, workhouse, county jail, city jail, or other institution for the detention of persons convicted or accused of crime, or held as witnesses in criminal cases, or persons on duty in the postal service of the United States, or common carrier while transporting direct to any police department, military or naval</p>	<p>As, in times of peace, armies are dangerous to liberty, they shall not be maintained without the consent of the General Assembly. The military power of the State shall always be held in subordination to the civil authority and be governed by it.” S.C. CONST. art. I, § 20 (1895).</p>
--	--	--

		<p>organization, or person authorized by law to possess or use a machine gun, may possess machine guns when required in the performance of their duties, nor shall the provisions of this Act be construed to apply to machine guns kept for display as relics and which are rendered harmless and not usable. Within thirty days after the passage of this Act every person permitted by this Act to possess a machine gun or immediately after any person is elected to or appointed to any office or position which entitles such person to possess a machine gun, shall file in the office of the Secretary of State on a blank to be supplied by the Secretary of State on application therefor, an application to be properly sworn to, which shall be approved by the Sheriff of the county in which the applicant resides or has its principal place of business, which shall include the applicant's name, residence and business address, description including sex, race, age, weight, height, color of eyes, color of hair, whether or not ever charged or convicted of any crime, municipal, State or otherwise, and where, if so charged, and when same was disposed of. The applicant shall also give the description including the serial number and make of the machine gun which he possesses or desires to possess. Thereupon, the Secretary of State shall file such application in his office, registering such applicant together with the information required in the application in a book or index to be kept for that purpose, and assign to him a number, and issue to him a card which shall bear the signature of the applicant, and which he shall keep with him while he has such machine gun in his possession. Such registration shall be made on the date application is received and filed with the Secretary of State, and shall expire on December 31, of the year in which said license is issued.</p> <p>§ 6. Penalty.—Any person violating any of the provisions of this Act shall be guilty of a felony, and, on conviction thereof, shall be sentenced to pay a fine not exceeding One Thousand Dollars, and undergo imprisonment by separate or solitary confinement at labor not exceeding twenty (20) years.</p>		
Texas	1933	<p>Section 1. Definition. "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five (5) shots or bullets may be automatically discharged from a magazine by a single functioning of the firing device.</p> <p>"Person" applies to and includes firm, partnership, association or corporation.</p>	1933 Tex. Gen. Laws 219-20.	"Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime." TEXAS

		<p>Sec. 2. Whosoever shall possess or use a machine gun, as defined in Section 1, shall be guilty of a felony and upon conviction thereof, shall be confined in the State Penitentiary, for not less than two (2) nor more than ten (10) years.</p> <p>Sec. 3. Whoever shall sell, lease, give, barter, exchange, or trade, or cause to be sold, leased, given, bartered, exchanged, or traded, a machine gun as hereinabove defined to any person shall be guilty of a felony and upon conviction thereof, shall be confined to the State Penitentiary, for not less than two (2) nor more than ten (10) years.</p> <p>Sec. 4. Nothing contained in Section 2 of this Act shall prohibit or interfere with:</p> <ol style="list-style-type: none"> <li>1. The possession of machine guns by the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose.</li> <li>2. The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake.</li> <li>3. The possession of machine guns by officials and employees of the Texas State Prison System.</li> </ol> <p>Sec. 5. Nothing contained in this Act shall prohibit or interfere with the sale, lease, barter, exchange or gift of a machine gun as defined in this Act, or the transportation required for such purpose to the Adjutant General of the State of Texas, the duly qualified and commissioned Sheriff of a county in Texas, the duly qualified and commissioned Chief of Police of any municipality within the State of Texas, the duly authorized purchasing agent for the Texas State Prison System, the military forces or peace officers of the United States.</p> <p>Sec. 6. The fact that there are many gangsters purchasing machine guns in Texas, causing a menace to the citizenry of Texas, creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.</p>		CONST. art. I, § 23 (1876).
--	--	---	--	-----------------------------

Washington	1933	<p>Section 1. That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: Provided, however, That such limitation shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.</p> <p>Sec. 2. For the purpose of this act a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, or fired therefrom at the rate of five or more shots per second.</p> <p>Sec. 3. Any person violating any of the provisions of this act shall be guilty of a felony.</p> <p>Sec. 4. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all peace officers, and/or any officer or member of the armed forces of the United States or the State of Washington, to seize said machine gun, or parts thereof, wherever and whenever found.</p> <p>Sec. 5. This act is necessary for the immediate preservation of the public health and safety, and shall take effect immediately.</p>	1933 Wash. Sess. Laws 335-36.	<p>“The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.”</p> <p>WASH. CONST. art. I, § 24 (1889).</p>
Wisconsin	1929	<p>Section 1. A new section is added to the statutes to read: 340.695 Any person who shall own, use or have in his possession a machine gun shall be punished by imprisonment in the state prison for a term the minimum of which shall be one year and the maximum fifteen years. Nothing in this section shall be construed as prohibiting police officers, national guardsmen, sheriffs and their deputies from owning, using or having in their possession a machine gun while actually engaged in the performance of their lawful duties; nor shall any person or organization be prohibited from possessing any machine gun received from the government as a war trophy.</p>	1929 Wis. Sess. Laws 157.	None (adopted provision in 1998)